



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 30, 1998

Mr. Charles H. Wilson  
Assistant City Attorney  
Criminal Law and Police Division  
Municipal Building  
Dallas, Texas 75201

OR98-0839

Dear Mr. Wilson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 114136.

The Dallas Police Department (the "department") received a request for "information regarding the child abuse and death of Shaloe Rain Nofire." You contend that the requested documents are excepted from disclosure by section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."<sup>1</sup> This section encompasses information protected by other statutes. Section 261.201(a) of the Family Code provides:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report;

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<sup>1</sup>Because the Act prohibits the release of confidential information and because its improper release constitutes a misdemeanor, the attorney general will raise section 552.101 on behalf of a governmental body, although the attorney general ordinarily will not raise other exceptions that a governmental body has failed to claim. See Open Records Decision Nos. 455 (1987) at 3, 325 (1982) at 1.

(2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

(Footnote added). Because the requested documents relate to an investigation of child abuse, the documents are within the scope of section 261.201 of the Family Code. The other provisions of section 261.201 do not appear to apply here. We are not aware of any rules promulgated by the department which permit the dissemination of this type of information. Accordingly, we conclude that the requested information is made confidential by section 261.201 of the Family Code and must be withheld from disclosure under section 552.101 of the Government Code. See Open Records Decision No. 440 (1986) (applying former Fam. Code § 34.08). As we resolve this matter under section 552.101, we need not address the applicability of section 552.108.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Michael A. Pearle".

Michael A. Pearle  
Assistant Attorney General  
Open Records Division

MAP/ch

Ref: ID# 114136

Enclosures: Submitted documents

cc: Ms. Lizzie Nicholas - Via Facsimile (918) 253-8908  
(w/o enclosures)